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FR-4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34378]

The Burlington Northern and Santa Fe Railway Company—Temporary Trackage Rights
Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant temporary overhead trackage rights to The Burlington Northern and Santa Fe Railway Company (BNSF) on UP's Black Butte and Valley Subdivisions, between Klamath Falls, OR, at UP milepost 428.7, and Binney Junction (Marysville), CA, at UP milepost 141.9, a distance of approximately 285 miles.¹

The transaction was scheduled to become effective on July 16, 2003, and the authorization is scheduled to expire on August 15, 2003. The purpose of the temporary rights is to allow BNSF to bridge its train service while its main lines are out of service due to certain programmed track, roadbed, and structural maintenance.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in Norfolk and Western Ry. Co.—Trackage Rights—BN,

¹ By amendment received on July 16, 2003, BNSF states that the reason there is a 1.8-mile difference between the milepost locations and the actual distance is that the railroad uses station mileposts to determine mileage. BNSF indicates that there frequently is a small distance between the station milepost and the actual location of the switch where the railroad enters or departs its trackage.

354 I.C.C. 605 (1978), as modified by Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980), aff'd sub nom. Railway Labor Executives' Ass'n v. United States, 675 F.2d 1248 (D.C. Cir. 1982).

This notice is filed under 49 CFR 1180.2(d)(8). If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34378, must be filed with the Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: Michael E. Roper, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.”

Decided: July 18, 2003.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams

Secretary